

HCS HB 385 -- REAL ESTATE TRANSACTIONS

SPONSOR: Walker

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Emerging Issues by a vote of 11 to 0. Voted "Do Pass" by the Select Standing Committee on General Laws by a vote of 9 to 0.

This bill changes the laws regarding communications with brokers relating to real estate transactions. "Correspondence" is defined as any written or electronic communication but must exclude any text messages, instant message, and any other information or communication that is not designed to be retained or create a permanent record for use in any transaction calculated or intended to result in the sale, exchange, leasing, or rental of real estate. The bill specifies that the term "sold" for purposes of Sections 339.010 to 339.180 and 339.710 to 339.860, RSMo, must mean that the title to the real estate has been transferred or that the real estate has become subject to a bona fide sale contract or purchase agreement

PROPONENTS: Supporters say that the bill will reduce paperwork and record keeping by specifying proper records for retention not including texts, tweets, and other ephemeral types of communication. There needs to be a clarification in the bill that real estate is sold only when title is transferred in accordance with a proper contract.

Testifying for the bill were Representative Walker and Missouri Association of Realtors.

OPPONENTS: There was no opposition voiced to the committee.